

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHARLES NEWTON,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

2:16-cv-01915-JAD-CWH

**ORDER**

**I. DISCUSSION**

Plaintiff is a *pro se* prisoner in the custody of the Nevada Department of Corrections (“NDOC”). Over the past two months, Plaintiff has initiated four prisoner-conditions-of-confinement-cases.<sup>1</sup> In case 2:16-cv-01770-JCM-PAL, Plaintiff filed a fully complete application to proceed *in forma pauperis*. (ECF No. 6). In the three other conditions-of-confinement-cases, Plaintiff has not filed fully complete applications to proceed *in forma pauperis*. Plaintiff asserts that he has had difficulties obtaining financial certificates from the prison.

In the present case, Plaintiff filed an incomplete application to proceed *in forma pauperis* on August 11, 2016, and included an affidavit explaining that he has had difficulties obtaining a financial certificate from prison officials. (ECF No. 1 at 4-5).

In light of Plaintiff’s difficulties in obtaining a financial certificate and an inmate account statement from the prison, the Court grants Plaintiff until Friday, September 30, 2016, to file

<sup>1</sup> See *Newton v. Wintersteen*, 2:16-cv-01705-RFB-PAL; *Newton v. State of Nevada*, 2:16-cv-01824-KJD-GWF; *Newton v. State of Nevada*, 2:16-cv-01915-JAD-CWH; and *Newton v. State of Nevada*, 2:16-cv-01770-JCM-PAL.

Plaintiff also initiated a case challenging his arrest, *Newton v. State of Nevada*, 2:16-cv-01672-APG-GWF. The Court will address his *in forma pauperis* application issues in a separate order in that case.

1 a fully complete application to proceed *in forma pauperis* in each of the three conditions-of-  
2 confinement-cases that contain incomplete applications. Plaintiff should again request  
3 financial certificates and inmate account statements from prison officials for each of his three  
4 conditions-of-confinement-cases. Plaintiff must file a completed application to proceed *in*  
5 *forma pauperis* for each case he wishes to pursue in this Court.

6 If, however, Plaintiff continues to have difficulty obtaining financial certificates and  
7 inmate account statements for each of his cases, Plaintiff shall file an affidavit in each of his  
8 cases detailing when he requested the documents, who he spoke to about the status of the  
9 documents, who he followed up with after he did not receive the documents, and their  
10 responses. In other words, if Plaintiff is unable to acquire the necessary documents from  
11 prison officials, he must provide the Court with an affidavit that demonstrates that he has done  
12 all that he could to acquire the documents by the Court's deadline. Plaintiff's affidavit should  
13 include dates of his requests, dates of his follow-up requests, names of the prison officials that  
14 he spoke to about the matter, and their responses. If Plaintiff's affidavit demonstrates that he  
15 has done all that was possible to acquire the documents, the Court will consider his application  
16 to proceed *in forma pauperis* complete.

## 17 **II. CONCLUSION**

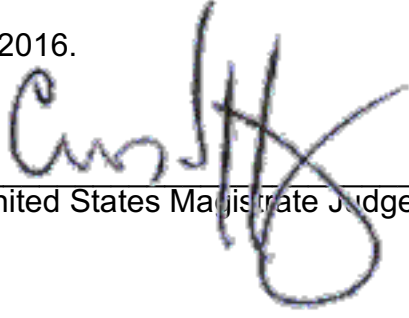
18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND  
19 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as  
20 the document entitled information and instructions for filing an *in forma pauperis* application.

21 IT IS FURTHER ORDERED that **on or before Friday, September 30, 2016**, Plaintiff  
22 shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct  
23 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) file  
24 an affidavit detailing the efforts he took to acquire a financial certificate and an inmate account  
25 statement from prison officials. If Plaintiff chooses to file an affidavit, his affidavit must  
26 describe the actions he took to acquire the documents through Friday, September 23, 2016.  
27 Plaintiff shall not file an affidavit before that date.

28 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,

1 dismissal of this action may result.

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3 DATED: This 24th day of August, 2016.

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7 United States Magistrate Judge  
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